

Meeting of 2002-8-12 SPECIAL MEETING MINUTES

LAWTON CITY COUNCIL SPECIAL MEETING

AUGUST 12, 2002 - 5:00 P.M.

WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Melody Cudd, Deputy City Clerk

The meeting was called to order at 5:00 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: Barbara Moeller, Ward Six

*Haywood entered at @ 5:05 p.m.

BUSINESS ITEMS:

1. Hold public hearings and adopt resolutions declaring the structures listed below to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety; authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate.

ADDRESSES IN WARD ONE: A) 1420 NW Sheridan Road; B) 1422 NW Sheridan Road; C) 1424 NW Sheridan Road; D) 2309 NW Lindy Avenue.

ADDRESSES IN WARD TWO: A) 1207 NW Smith Avenue

ADDRESSES IN WARD THREE: A) 2621 SW J Avenue; B) 306 SW 21st Street; C) 913 SW 36th Street.

ADDRESSES IN WARD FIVE: A) 1210 SW G Avenue; B) 1407 NW Arlington Avenue; C) 3 NW Dearborn Avenue; D) 15 NW Dearborn Avenue; E) 1711-1/2 E Avenue; F) 204 SW 10th Street; G) 3 NW Arlington Avenue; H) 405 NW Arlington; I) 416 NW Railroad Avenue; J) 705 Euclid Avenue; K) 807 SW 3rd Street.

ADDRESSES IN WARD SEVEN: A) 1209 SW 9th Street; B) 1403 SW Summit Avenue; C) 1508 SW 4th Street; D) 1511 SW Bishop Avenue; E) 1513 SW I Avenue; F) 1714 SW 13th Street; G) 1716 SW 13th Street; H) 1801 SW Garfield Avenue; I) 1925 SW Jefferson Avenue; J) 214 & 216 SW Park Avenue; K) 2310 SW Georgia Avenue; L) 704 SW 49th Street; M) 928 SW I Avenue.

ADDRESSES IN WARD EIGHT: A) 5315 NW Elm Avenue; B) 740 SW 45th Street.

Mayor Powell publicly called each address and asked that interested persons indicate if they are present for the discussion of a particular property. After making a determination of no audience participation, the following addresses were considered for demolition:

1420 NW Sheridan Road; 1422 NW Sheridan Road; 1424 NW Sheridan Road; 1207 NW Smith Avenue; 2621 SW J Avenue; 306 SW 21st Street; 1210 SW G Avenue; 15 NW Dearborn Avenue; 204 SW 10th Street; 3 NW Arlington Avenue; 1209 SW 9th Street; 1511 SW Bishop Avenue; 1714 SW 13th Street; 1925 SW Jefferson Avenue, 2310 SW Georgia Avenue; 704 SW 49th Street; 740 SW 45th Street

PUBLIC HEARINGS OPENED. No one appeared to speak and the public hearings were closed.

MOVED by Shanklin, SECOND by Baxter, to adopt Resolution Numbers 02-120 through 02-136 with the address as listed and proceed with the demolition process. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter, Hanna. NAY: None. MOTION CARRIED.

Citizens were present to participate in discussion regarding the following sites:

2309 NW Lindy Avenue; 1407 NW Arlington Avenue; 913 SW 36th Street; 3 NW Dearborn Avenue; 1711 1/2 E Avenue; 405 NW Arlington Avenue; 416 NW Railroad Avenue; 705 Euclid Avenue; 1403 SW Summit Avenue; 1508 SW 4th Street; 1513 SW I Avenue; 1716 SW 13th Street; 1801 SW Garfield Avenue; 214 & 216 SW Park Avenue; 928 SW I Avenue; 5315 NW Elm.

Council discussed different methods of demolition as a cost saving effort on the City's part. Shanklin and Vincent stated the three options of getting these properties taken care of are: 1.)bring the structure up to code; 2) demolish yourself; 3) allow the city to demolish at which time the property would be taken to court to have the city refunded for their costs. One method of interest was practice burns for the City's Fire Department. Chief Hadley and Fire Marshal Mitchell are preparing documentation in this regard and several factors have to be taken into consideration before these burnings can be done.

Angie Alltizer, Neighborhood Services, presented supporting evidence on each site as follows:

2309 NW Lindy Avenue: This structure has been secured for quite sometime, it last had water service in Sept of 1994, the property owner met with Manny Cruz last year and was provided a list of items that needed to be corrected. Some of those have been done, staff has been unable to get in to do another inspection to follow up on their completion. Numerous complaints from citizens in that area have been received.

913 SW 36th Street: This structure had a fire a couple of years ago and some work has been completed. The property is clean as far as junk and debris and tall grass and weeds at this time. Water service was terminated in Aug 1999. Several complaints were received from citizens in the area. Alltizer said she believed that this structure could be rehabilitated and the property owner is present.

1407 NW Arlington Avenue: Neighborhood Services shows no record of water service at this structure. It has been off the roles for at least five years. Contact has been made with the property owner over the past year and he is not in a financial position to tear this structure down, although he would like for it to be done. This owner has made contact with the City's Community Development Department to check on qualifications for assistance. The pictures presented show this structure to be in a very dilapidated condition, especially the roof. The common problem is with vandals and vagrants around this structure.

3 NW Dearborn Avenue: This structure is an accessory structure on the NE side of the property, part of the roof has fallen in. Teen Challenge is going to assistance the property owner with this demolition and removing of debris.

1711 1/2 E Avenue: This structure located on the alley, is a large one story structure with a very high ceiling. This was before the Council approximately two years ago at which time council instructed the property owner to maintain the yard and keep the property secured to buy them some time. Numerous complaints have been received about this structure even though the owner has maintained the yard, but because of the City's desire to clean up Lawton, this has been brought again. The property owner is here to discuss this further.

405 NW Arlington Avenue: This is an accessory structure on the alley. Structure has substantial foundation problems and lack of exterior maintenance. This property could be rehabilitated at a big cost to the owner.

416 NW Railroad Avenue: These structures are a mobile home and a garage type structure. The mobile home has been secured one time in the passed year. Numerous complaints have been received on this property. There is a relative of the property owner that has been working to keep this property cleaned up. The main concern is the mobile home and not the garage. The garage structure can be inspected at this time. Vagrant activity and vandalism has been taking place at the mobile home. There is no record of water service at this time. The account has been closed more than five years.

705 NW Euclid Avenue: This is a two-story accessory structure on the alley. Photos taken over the weekend showed this property to be unsecured. Renters at this property have shown an interest to repair this property. They are here tonight to express their concerns.

807 SW 3rd Street: Repairs have been completed on this structure and it should be removed from the condemnation list.

1403 SW Summit: This structure is referred to as fellowship hall of the New Hope, a church organization. Currently, there is a dispute between the property owner and the lessee. The main concern is with the structure that runs east and west, appears to be an old army barracks which has significant foundation damage and appears to have had a fire several years ago on the NW end of structure. This building is being used for storage at this point and a substantial amount of money would be needed to rehabilitate it.

1508 SW 4th: This structure is a mobile home. Water service has been terminated since June 1989. The pictures indicate many code violations at this address, to include, improper storage of motor vehicles and non-motorized vehicles, junk and debris, tall grass and weeds. This structure was brought to council several years ago and permission was obtained to use it for storage. This property is beyond that request now. Demolition of this property would help us to be able to rid some of the other code violations in that area.

1716 SW 13th: This structure is not in that bad of condition. The property owner has completed significant work, requested an inspection on the interior and we will be following up on that as soon as possible. The water service has been terminated since 2000. If all goes well with the inspections, this property will be removed from the list. This action should generate some activity.

1801 SW Garfield: This is another church structure with some significant structural problems. This site has been unsecured more than one time in the past year or so. The city secured it earlier this year. This property has changed ownership in the last year and the new owner has maintained the yard. Alltizer believed this property to be beyond rehabilitation/reconstruction. Staff has not been allowed to inspect the inside, only to do a visual inspection from the outside. Pictures show structural damage of the west end of the property, there is significant foundation damage, and the front porch area and roof would need to be replaced. Water service has been terminated for greater than five years.

214 and 216 SW Park Avenue: This is a small yellow structure which could be reconstructed very easily. The real concern is the accessory structure at 216 SW Park. This building has suffered a significant fire and has been in this condition for at least two years. The owners are in the process of remodeling the main two-story structure and intend to remodel the others and are present.

928 SW I Avenue: This structure has water service at this time is being used as an accessory structure. The property owner lives in the structure directly to the east of this. There has been some work occurring at this site. A building permit is in the window and has been there for some time, although there has been no progress for two years and it has been on the list for quite some time.

5315 NW Elm: This structure was brought to council about one year ago at which time a local construction agent showed a desire to get a permit to remodel. A permit was obtained and some work has been completed. The current owner is making efforts to make this property habitable. This has been pending on the list, some action was taken but has ceased. So it is returned for further action.

MOVED by Shanklin, SECOND by Baxter, to amend the resolution to demolish by removing the structure at 1513 SW I Avenue for discussion. AYE: Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

5313 SW I Avenue: This structure has not had water service since July 1998. The property owner is present. There are several code violations of junk and debris but the lot has been mowed. Structure has not legally been occupied for some time. This site could be rehabilitated, but does have substantial structural problems that could be corrected.

Vincent explained to the audience the requirements of the building code adopted by the State of Oklahoma and the City of Lawton and it states that the repairs to the property cannot exceed fifty-one percent of the fair market value of the property as it currently sits at which time the property is considered dilapidated and detrimental to the community. If the value of the property is \$10,000 as it sits today and the cost of repair is \$5,100 then technically the property is in violation of the State Statute and City building code.

2309 NW Lindy Avenue: PUBLIC HEARING OPENED: Jim Graves said he was representing his son-in-law, Roger Cannon who was unable to be here since he works out of state. The house has been vacant for a period of time. Graves and his daughter painted the west end and the front and have money to get a new roof and the paint to complete the painting. The vertical wood on the front bottom has been replaced. The sewer and water lines have been updated. The electrical work is pending at this time. This property is the house that my son-in-law was raised in and he very much wants to keep it. Ewing-Holmstrom expressed a concern that this property has set vacant for eight years. Bass stated that on his drive by inspection today, it appears that this structure only needs a roof. Mr. Graves has provided a picture and stated that the front part of the structure looks acceptable from the street; however, the back and sides, which are out of sight, still need more work. Bass asked why this structure was placed on this list. Alltizer explained the State Statute which says if the property sits idle for over thirty-six months, then it is considered dilapidated and a blight on the community. This is the main reason this structure has been presented to you. It appears that only cosmetic repairs have been done, but that does not make the structure habitable or to meet our City code. An inspector from our department has made an inspection on the interior, at which time he did say this should not be condemned. Shanklin explained to Mr. Graves that this property will be left on the demolition and he has ninety days to complete his work.

MOVED by Bass, SECOND by Hanna, to declare 2309 NW Lindy dilapidated and adopt Resolution 02-137. AYE: Shanklin, Haywood, Bass, Hanna, Devine. NAY: Ewing-Holmstrom, Baxter. MOTION CARRIED
PUBLIC HEARING CLOSED.

913 SW 36th Street: PUBLIC HEARING OPENED. Peggy Campbell, 803 NW 46th Street, said the structure in question is 913 SW 36th Street which they let go back to the mortgage company over a year ago. She asked who would be responsible for the demolition of this property. Vincent asked if the property was still in their name according to the county records. Campbell said she was not aware at this time and her attorney of record, Dennis Butler, instructed her to come to this meeting. Ownership records were obtained from the court house for proper notice to be served. Ms. Campbell is concerned that if the court records are not correct when the City demolishes this structure, she will be charged for the proceedings in which she has no legal interest at this time.

MOVED by Devine, SECOND by Baxter, to table this structure for thirty days to obtain correct ownership of property. AYE: Shanklin, Hanna, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED. PUBLIC HEARING CLOSED.

1407 NW Arlington: PUBLIC HEARING OPENED. Charles Erickson, 104 NW 14th Street, said he was using the listed property for storage for the last five years. He secured it a number of times and continues to try to keep it in a shape that meets the City code. He has not physically been able to continue this effort for the past four years and financially was unable to do more at this time. He was not against having it torn down, or even burned as mentioned earlier in an effort to abate the nuisance. He has applied for assistance with other divisions to help in the demolition process.

Shanklin recommended this to be put on the demolition, but does not know where the funding would come from to pay the cost. He explained to Mr. Erickson that these costs would be the responsibility of the property owner. Alltizer said the owner has met with Housing and Community Development to seek avenues to qualify for assistance in this demolition. Bass asked what the costs would be to have the Lawton Fire Department burn this structure and this information will be provided.

MOVED by Shanklin, SECOND by Bass, to adopt Resolution 02-138 to continue with the demolition process. AYE: Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED. PUBLIC HEARING CLOSED.

3 NW Dearborn Avenue: PUBLIC HEARING OPENED. Neal Domingoe, 5 NW Dearborn said the shed needs to be demolished. He cannot do it because of disabilities; however, he was promised by Teen Challenge that they would assist once they could fit this property into their schedule. Weather permitting, they will get me in this week. Baxter asked if this organization has agreed to tear this down. Owner is responsible for the tipping fees at the landfill in a reduced rate to have this placed at the landfill.

MOVED by Shanklin, SECOND by Baxter, that Resolution 02-139 remain on the demolition process. AYE: Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED. PUBLIC HEARING CLOSED.

Devine expressed an interest to make these owners aware of their responsibilities once these structures have been removed, which include removing all debris, cap all sewer and water lines. Smith stated that once a resolution is adopted on these structures, and the City takes action on the demolition, a lien will be placed on each property.

1711 1/2 E Avenue: PUBLIC HEARING OPENED. Chung Graham, 616 SW Washington Avenue, said she has owned the property for twenty-five years and feels the reason it is on this list is because the next door neighbor continually complains about it. Graham said she has kept the grass mowed and about two years ago council approved her keeping this property, and she secured it two years ago. Ewing-Holmstrom asked Ms. Graham the last time this property was lived in. Graham stated that it had been about ten years. Ewing-Holmstrom expressed a concern that this is a blight on the community and something needs to be done. Ms. Graham said she has estimates to have this property torn down but they are more than she can afford. Baxter asked Alltizer if she had a general cost to demolish a structure of this type and response was \$2,000 to \$6,000 at the current rate. PUBLIC HEARING CLOSED.

Shanklin stated that it would take \$12,000 to \$15,000 to rehabilitate this structure to a livable condition. Graham could pull a permit and begin the process of rehabilitation and later decide to demolish the property if it could not be sold. Graham stated that the demolition estimate was more than the value of the house. Alltizer explained the permitting process, and stated that once a permit was issued, the owner had to make regular attempts to bring the property up to code and would not be allowed to not show signs of improvement. Permits can be extended only if work is in progress.

Devine requested clarification on the interpretation of the permit process which states the structure is to be seventy-five percent complete within the thirty day permit process. He said he wanted to work with these people if they are showing some effort in getting their progress on their structure. Neighborhood Services does work with these owners as long as they are putting forth good effort.

MOVED by Shanklin, SECOND by Haywood, to pass Resolution 02-140 placing this structure on the demolition list. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood. NAY: Baxter. MOTION CARRIED.

405 NW Arlington Avenue: PUBLIC HEARING OPEN: Frank Herrington said he has been working on this property and wanted to keep it. He looked at the picture and said it was not his property and his is 405 1/2 NW Arlington, directly behind the one in this picture. North side windows are knocked out on a regular basis by people from the alley; however, he replaced them as quick as he finds them. Baxter requested information of the court record on proper ownership. Altizer stated that the structure placed on notice was the two-story structure just west of the one in the picture. Proper notice was served to the structure owner. No picture is available at this time. ACC stands for accessory structure.

MOVED by Shanklin, SECOND by Bass, to table this location until proper photograph has been presented of the structure and bring back to Council at first available meeting. AYE: Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter. AYE: None. MOTION CARRIED. PUBLIC HEARING CLOSED.

416 NW Railroad: PUBLIC HEARING OPEN. Robert Garner, 12 NW Euclid, said this property is still in his grandmother's name and she passed away in 1984. He has made several attempts to get his uncle from Dallas to assist in the efforts to get this property up to code. This is the old Pamplin property. Garner said he was attempting to gain title to the property, as he lives next door.

Mayor Powell stated the City's primary concern is to demolish the trailer house, stack up the sheet metal, and as money permits, dump this sheet metal and keep this property mowed. Shanklin recommended to keep this structure on demolition and monitor the process for thirty days. Ewing-Holmstrom asked the owner the possibility of hauling this trailer to the trailer graveyard, and whose vehicle is parked here. Garner stated the cost of this move was estimated at \$800 and the vehicle belonged to his brother-in-law and he will be moving it soon. The shop located at 416 NW Railroad is a shop/salvage yard where mechanic work was done and he was storing tools in this building in hopes for one day to get this shop up and running again. The City is not as concerned about the shop building at this time. Devine asked if the Council could exclude the garage from this demolition and only include the trailer.

Shanklin and Bass expressed concern that if this young man gets this property fixed and is out the expense for the removal of these structures, and the uncle does not come through on his quit claim deed, this young man will be left with nothing. Mayor Powell stated that Mr. Garner did understand this and was still willing to put forth the good faith effort. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Haywood, to adopt Resolution 02-141 amending the appropriate section for the shop structure to be removed from the demolition and place the trailer house on the demolition list with the stipulation that progress will begin on the tearing down of the trailer, he will stack it and have it removed within ninety days. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

705 NW Euclid Avenue: PUBLIC HEARING OPENED. Sicilia Parker, 705 NW Euclid Avenue, said she and her husband live in the front house. The structure in question is the garage apartment with an apartment upstairs. Parker said they are not the property owners and moved to this location in October under a verbal agreement from her husband's boss that they could live there in the process of rent to owner contract. Jerry Jolly and Dennis Jolly are the owners. Parker said they want to remodel the apartment for their older sons and have completed some repairs in an effort to bring this structure up to code. Shanklin stated that the cost to bring this structure up to code would be greater than \$15,000 to \$18,000, even if they performed the work themselves because it needs plumbing, roofing, and has structural damage. Mr. Parker said he works for Jerry Jolly, painter/construction and planned to do this work himself. Ewing-Holmstrom asked who the court showed as owner on this structure and Altizer said Jerry Jolly and tenants last lived in this structure five years ago. Altizer has driven by but has not been in the structure. Proper notice was sent to Maximum Mortgage of Tulsa and Dennis and Jerry Jolly at 6950 West Gore, Lawton, Oklahoma. Jerry Jolly signed for his notification. The notice to the mortgage company was returned unopened and notice was posted on the property. Vincent stated that proper notice was placed. Hanna stated to these tenants that they have no legal claim on this property and any funds expended in this property would be unclaimable until legal claim has been obtained. Rehabilitation costs are substantial on this property. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Baxter, to adopt Resolution 02-142 to leave this structure on the demolition list and notify the owners of the property of their responsibilities. AYE: Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

1403 SW Summit: PUBLIC HEARING OPENED. Virgil Miller, 733 Sedalia Avenue said the structure in reference is a church and they lease the property from New Hope District. He said he believed they received a check for damages and did not use those funds to fix the property. This building sits just north of the church, runs east to west and is used as a fellowship hall. The church owner has not made repairs to the property. This building is being leased at this time with intentions of purchasing the property in the future. Mr. Miller asked the council to hold off on the demolition until further notice. Mayor Powell stated that it would be the owner's responsibility to have this structure demolished and removed. Proper notice was served to the owners of the property.

James Bradford, Oklahoma City, said he is the moderator of the New Hope District and had no knowledge of a check for damages to this structure. The New Hope District has not received a check, not even a rent check from the tenants. This is the second notice that relates to the demolition of this property. Just this afternoon, he walked through the property in question, and it certainly needs to be demolished. The owners of this structure is in agreement with the City's recommendation that this building should be torn down.

Haywood stated that he is aware of the dispute, but refrained from comment at this time. Baxter asked Mr. Bradford how long New Hope had owned this property. Mr. Bradford said the New Hope District has owned the building for twenty-five years. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Baxter, to adopt Resolution 02-143. AYE: Ewing-Holmstrom, Shanklin, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

1508 SW 4th Street: PUBLIC HEARING OPENED. Clarence Williams, 1508 SW 4th Street, said this is a trailer house and he has applied for a demolition permit, but due to his age, he may need more than ninety days, but will begin the demolition process. Baxter asked if along with the trailer would the other items be taken care of. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Baxter, to adopt Resolution 02-144. AYE: Devine, Ewing-Holmstrom, Shanklin, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

1513 SW I Avenue: PUBLIC HEARING OPENED. Ms. Salazar said they are going to have the house demolished and she had put in an application with Community Development, but was denied so she was looking for someone else to do this at this time. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Baxter, to adopt Resolution 02-145. AYE: Ewing-Holmstrom, Shanklin, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

1716 SW 13th Street: PUBLIC HEARING OPENED. Eula Jeffries said she is representing the homeowner who lives out of state. The owner has provided funds and hired Mr. Rose to repair this structure it up to code. Mr. Rose has completed some of the work inside, and ordered windows and the electricity is on at this time. Haywood instructed Mr. Rose to pull a permit on this structure and begin the process of rehabilitation. The owner has instructed Mr. Rose to do the necessary work and let him know and he would send more money. Devine stated that if Mr. Rose was working on this structure, he would request that he be given the opportunity to complete the necessary work. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Devine to adopt Resolution 02-146. AYE: Shanklin, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

1801 SW Garfield: PUBLIC HEARING OPENED. Janice Thompson, said they just recently purchased this structure to be used as a church and contacted people to repair the roof. As they intend to keep this building as a church structure. This property was purchased in February and the utilities have been turned on. Alltizer stated that Neighborhood Services was unable to determine water service at this time. This building is structurally sound. The other building is an old Fort Sill building. Thompson said they intend to remove the building on the back side and intend to use the one that is currently storing furniture. Funds and workmanships have been donated to bring this building up to code. This building is paid in full and they would hate for it to be demolished. Baxter expressed concern that our records do not reflect the water service being on at this time. Shanklin stated that once a building permit has been pulled, she would be instructed on items of concern to bring this building up to code, and to not be surprised of the cost being around \$30,000. The building from Fort Sill will be demolished. The church has purchased several lots adjoining with the intent of expanding the church building. PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Devine, to adopt Resolution 02-147. AYE: Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Baxter requested staff provide these property owners with costs of the repairs before they begin in an effort for them not to have a false expectation of the costs upon starting the renovation process.

214 & 216 SW Park PUBLIC HEARING OPEN. Julie Smith, 216 SW Park, said they moved into this house about five years ago wanting to live in the old part of Lawton and made it their mission to purchase property and start working on this old neighborhood. This is a beautiful two-story, solid structure. The structures on the list of concern are the accessory structures at 214 and 216 1/2, not the two-story main structure. 214 and 216 1/2 were burned out by the previous tenants. The Smiths are working on the main structure, but not the accessory structures. Smith said they have a handicapped child and in an effort not to go into debt, they can only afford to work on these as money is available. Smith is waiting for a response from Housing and Community Development on funding assistance to demolish these accessory structures. There is no water or electric to the accessory structures thinking that would be a higher fire hazard.

Leland Smith said after some break-ins he put up chain link and privacy fencing. He stated that this property will be paid off in two years, at which time they were planning to redo the loan to begin a renovation on a greater scale, but with financial limitations, they cannot work fast enough.

James Cobb, 2117 NW Columbia, said this family has worked diligently in their business and has made significant advances on the main structure. He encouraged the council to give them time to get these structures rehabilitated. Baxter asked the date of the fire. Ms. Smith stated that it had happened before they purchased this property. Baxter said he is also concerned if they would be able to make any progress on 216 in the next ninety days. Smith stated they would only be able to make cosmetic repairs. Alltizer has not been on the inside of the structure that has suffered fire. PUBLIC HEARING CLOSED.

MOVED by Haywood to adopt Resolution 02-148. Motion died for lack of a second.

MOVED by Shanklin, SECOND by Bass, to table 214 and leave 216 1/2 on the demolition with the understanding that work will continue on the outside appearance of these structures and to adopt Resolution 02-148. AYE: Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

928 SW I Avenue: PUBLIC HEARING OPENED. Robert Nobles, 924 SW I Avenue, said he owns 928 SW I Avenue also and has been working on the inside of this structure, installing new cabinets in the kitchen and bathroom. He said progress stopped when the wind blew a limb off of his neighbor's tree which caused damage to the roof in one bedroom and had to be taken care of immediately. Nobles said he is installing vinyl siding, removing trees and putting up a chain link fence. Ewing-Holmstrom asked what the inside of the house was like. Alltizer said Manny Cruz inspected the interior but is out of town. Pictures were passed around for the Council to view. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Bass, to adopt Resolution 02-149. AYE: Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Haywood. NAY: None. MOTION CARRIED.

5315 NW Elm: PUBLIC HEARING OPENED. Baxter asked who the notice was sent to on this property. Notice was mailed to David and Barbara McCuze, Rural Route 2 of Rush Springs. Ms. Agnes Dickerson called Baxter and told him that she was the owner and that she had purchased this property from Mr. and Mrs. McCuze about eleven months ago and that she had expended a substantial amount of money on this property to put a new roof on it and, replaced all of the plumbing and the electrical. Alltizer stated that could be true, but she is not showing her as the owner of record at the County Court House for this current year's tax rolls. The new property owner did make contact with Neighborhood Services and they are aware of the progress. Baxter stated that this owner had to be out of town and requested it be tabled for thirty days. Baxter instructed Alltizer to check the records more thoroughly to verify the accuracy of the information provided and that the work is being done. PUBLIC HEARING CLOSED.

MOVED by Baxter, SECOND by Shanklin, to table this property for further clarification of the property owners. AYE: Shanklin, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

2. Consider, discuss and provide staff direction on multi-family and single-family vacancy adjustments. Exhibits: Memo; Survey; Projected Revenue Collections.

Assistant City Manager Larry Mitchell said that water rates were extensively considered during recent budget discussions and staff was directed to review the vacancy adjustment provision. The budget was adopted based on including \$175,000 in revenue from this area. Mitchell said \$783,000 was lost last year due to the vacancy adjustments for multi-family and single-family units and Revenue Service personnel processed nearly 11,000 vacancy form requests. A survey of 12 cities in Texas and Oklahoma found that none of those cities offer a vacancy adjustment.

Mitchell said memos from Revenue Services and Information Services are provided and staff has developed the following options: 1) Eliminate all vacancy adjustments, which would generate \$783,000 in revenue; 2) Eliminate vacancy adjustments for refuse, capital outlay, and drainage maintenance but retain water and sewer collections, which would generate \$340,000 in revenue; 2b) Eliminate the vacancy adjustment for all charges, including sewer, but retain water adjustments, which would generate \$290,000 in revenue; 3) Reduce the amount of all charges by an automatic 13% on all multi-family accounts, which would not generate any additional revenue but would reduce staff time in processing vacancy adjustments. Eliminating the vacancy for single-family would generate about \$100,000; 4) Reduce the total amount of all charges by a percentage, which would increase revenue; for each 1% discount, about \$50,000 would be generated.

Shanklin said \$783,000 is being discounted and the paperwork says 1% will generate \$50,000 and that 13% would be a neutral revenue position. Ralph Carson, Revenue Services Supervisor, said the break even point is 87%.

Ewing-Holmstrom recommended eliminating all vacancy adjustments, which would save staff time and cause the

City not to lose \$783,000 a year. Shanklin said the recommendation is not fair to owners of 200 or 300 unit apartment complexes when only half of the units may be occupied when Fort Sill is down, because they would be charged the \$38 minimum times the total number of units, rather than the \$38 minimum times the total number of occupied units. Ewing-Holmstrom said it is a part of the cost of doing business and no other cities offer the vacancy adjustment. Further discussion was held on the numbers and percentages provided by staff.

MOVED by Baxter, SECOND by Ewing-Holmstrom, to adopt option one and for staff to bring that back as a legal item.

Shanklin said he would offer a substitute motion to listen to the apartment complex committee first. Carson said he had talked to a few of them but that they were not aware of the final document.

SUBSTITUTE MOTION by Shanklin, SECOND by Haywood, to make the apartment complex people aware of this and to table this until after the apartment complex owners have had an opportunity to study it and see whether they are happy. AYE: Bass, Shanklin, Haywood. NAY: Baxter, Hanna, Ewing-Holmstrom, Devine. SUBSTITUTE MOTION FAILED.

Mayor Powell said those people will be able to speak. Baker said an ordinance will be returned and copies will be provided to the apartment complex as a courtesy; it does not require a public hearing but Council can direct whether or not to have one. Mayor Powell said he does not deny people the right to speak. Bass said when the item is returned they can decide whether to take option one or to take a different option. Baxter said a substitute motion could be made when the item comes back. Bass said he did not understand it all, did not have rental property and thought they should all try to understand it better.

Mayor Powell said the item should be returned to give Council the ability to take action on whatever option they chose instead of limiting it, after they hear from everyone. Baxter said he wanted to recover the entire \$783,000. Baker said he could not actually get that much this year because a few months have already passed, and staff could return the item at the first meeting in September. Vincent said if the original motion passes, the item will be brought back in that manner and amendments can be made on the floor.

VOTE ON ORIGINAL MOTION: AYE: Baxter, Hanna, Devine, Ewing-Holmstrom. NAY: Haywood, Bass, Shanklin. MOTION CARRIED.

Mayor Powell said regarding the previous items on condemnation of properties, the Assistant City Manager is working on ways to recover the City's expenditures on the properties and will develop something to be presented to the Legislature. Baker asked if Council desired to consider another list of properties and response was affirmative.

Shanklin asked the amount of water revenue received for the month of June and expressed concern in that regard. Shanklin said he was also concerned about boom boxes and recommended additional police officers be hired and to consider assigning two officers to a vehicle rather than having one and that one having to wait for a backup. It was noted that officers were cut in previous budgets and that Lawton is below the standards for a city of this size as far as the number of officers.

There being no further business, the meeting adjourned at 7:45 p.m. upon motion, second and roll call vote.